

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS ZELAYA, RUTH ZELAYA,  
by her Guardian Ad Litem Carlos Zelaya,  
and CARLOS ZELAYA, as the  
Administrator Ad Prosequendum of the  
Estate of JOSE CARLO ZELAYA,  
deceased,

Plaintiffs,

v.

MADISON SQUARE GARDEN, L.P.,  
CABLEVISION SYSTEMS  
CORPORATION, STITCH BAR &  
LOUNGE, INC., and KEVIN  
FREIBOTT,

Defendants.

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08-cv-2933 (LMM)

**MOTION TO ADMIT  
COUNSEL  
RICHARD W. SMITH  
PRO HAC VICE**

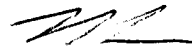
Pursuant to RULE 1.3(c) of the Local Rules of the United States District Courts for the  
Southern and Eastern Districts of New York, I, Michael S. Sommer a member in good standing  
of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Richard W. Smith  
Firm Name: McDermott Will & Emery LLP  
Address: 600 Thirteenth Street, N.W.  
City/State/Zip: Washington D.C. 20005-3096  
Phone Number: 202.756.8000  
Fax Number: 202.756.8087

Richard W. Smith is a member in good standing of the Bar of the District of Columbia and Georgia. There are no pending disciplinary proceedings against Richard W. Smith in any State or Federal Court.

Dated: June 2, 2008  
New York, NY

Respectfully submitted,



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Michael S. Sommer  
MS-2727  
McDermott Will & Emery LLP  
340 Madison Avenue  
New York, NY 10173-1922  
212.547.5400  
212.547.5444

Attorneys for Defendants  
Cablevision Systems Corp. and  
Madison Square Garden, LP.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS ZELAYA, RUTH ZELAYA,  
by her Guardian Ad Litem Carlos Zelaya,  
and CARLOS ZELAYA, as the  
Administrator Ad Prosequendum of the  
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v.

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CABLEVISION SYSTEMS  
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08-cv-2933 (LMM)

**AFFIDAVIT OF  
MICHAEL S. SOMMER  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
RICHARD W. SMITH  
PRO HAC VICE**

State of New York )

) ss:

County of New York )

Michael S. Sommer, being duly sworn, hereby deposes and says as follows:

1. I am a partner at McDermott Will & Emery LLP, counsel for Defendants Madison Square Garden LP and Cablevision Systems Corporation (collectively, "Defendants") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit Richard W. Smith as counsel pro hac vice to represent Defendants this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1988. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known of Richard W. Smith since he joined the firm in 2004.

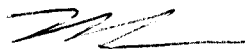
4. Mr. Smith is a partner in McDermott Will & Emery's Washington, D.C. office.

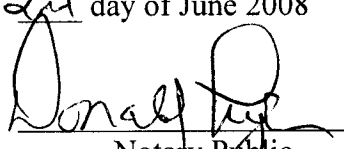
5. I have found Mr. Smith to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar the Federal Rules and Procedure.
6. Accordingly, I am pleased to move the admission of Richard W. Smith, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Richard W. Smith, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Richard W. Smith, pro hac vice, to represent Defendants in the above-captioned matter, be granted.

Dated: June 2, 2008  
New York, N.Y.

Respectfully submitted,

  
\_\_\_\_\_  
Michael S. Sommer (MS-2727)

Sworn to before me this  
2nd day of June 2008  
  
\_\_\_\_\_  
Notary Public

**DONALD RICHARD PUGLIESE**  
Notary Public, State of New York  
No. 00990001057  
Qualified in Suffolk County  
Commission Expires April 9, 20 11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	x	
CARLOS ZELAYA, RUTH ZELAYA,	:	
by her Guardian Ad Litem Carlos Zelaya,	:	08-cv-2933 (LMM)
and CARLOS ZELAYA, as the	:	
Administrator Ad Prosequendum of the	:	
Estate of JOSE CARLO ZELAYA,	:	
deceased,	:	<b>ORDER FOR ADMISSION OF</b>
	:	<b>RICHARD W. SMITH</b>
	:	<b>PRO HAC VICE</b>
Plaintiffs,	:	<b>ON WRITTEN MOTION</b>
	:	
v.	:	
MADISON SQUARE GARDEN, L.P.,	:	
CABLEVISION SYSTEMS	:	
CORPORATION, STITCH BAR &	:	
LOUNGE, INC., and KEVIN	:	
FREIBOTT,	:	
	:	
Defendants.	:	
	x	

Upon the motion of Michael S. Sommer, attorney for Defendants Madison Square Garden LP and Cablevision Systems Corporation and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Richard W. Smith  
 Firm Name: McDermott Will & Emery LLP  
 Address: 600 Thirteenth Street, N.W.  
 City/State/Zip: Washington D.C. 20005-3096  
 Phone/Fax: 202.756.8000 / 202.756.8087  
 Email Address: RWSmith@mwe.com

Is admitted to practice pro hac vice as counsel for Defendants Madison Square Garden LP and Cablevision Systems Corporation in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: June 2, 2008  
 New York, NY

United States District/Magistrate Judge



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

RICHARD W. SMITH

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was on the 10<sup>TH</sup> day of DECEMBER, 1999  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on May 29,  
2008.

GARLAND PINKSTON, JR., CLERK

By:   
Deputy Clerk

# STATE BAR OF GEORGIA



*Lawyers Serving the Public and the Justice System*

**Mr. Richard Wettersten Smith**  
**McDermott Will & Emery LLP**  
**600 13th Street, N.W.**  
**Washington, DC 20005**

**CURRENT STATUS:** Inactive Member-Good Standing  
**DATE OF ADMISSION:** 05/03/1999  
**BAR NUMBER:** 662690  
**TODAY'S DATE:** May 30, 2008

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- **Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).**
- **Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.**
- **Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.**

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in **"good standing"** as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



## STATE BAR OF GEORGIA

*Brandy Preston*

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
 Atlanta, Georgia 30303  
 (404) 527-8700 ■ (800) 334-6865  
 FAX (404) 527-8717  
[www.gabar.org](http://www.gabar.org)

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
 P.O. Box 1390  
 Tifton, Georgia 31793-1390  
 (229) 387-0446 ■ (800) 330-0446  
 FAX (229) 382-7435

**CERTIFICATE OF SERVICE**

Robert Candella, pursuant to 28 USC 1746, hereby declares under penalty of perjury, that on the 2nd day of June, 2008, I caused the accompanying motion for pro hac vice to be served via United States First Class Mail upon all parties herein.

A handwritten signature in black ink, appearing to read 'Robert D.', is written over a horizontal line.

Robert Candella